

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DEBORAH DONOGHUE
and MARK RUBENSTEIN,

Plaintiffs,

– v. –

ROIVANT SCIENCES LTD.,

Defendant,

– and –

MYOVANT SCIENCES LTD.,

Nominal Defendant.

ECF CASE

No. 20-cv-1807 (JGK) (SN)

DONNA ANN GABRIELE CHECHELE,

Plaintiff,

– v. –

ROIVANT SCIENCES LTD.,

Defendant,

– and –

MYOVANT SCIENCES LTD.,

Nominal Defendant.

ECF CASE

No. 20-cv-2542 (JGK) (JLC)

**STIPULATION ON CONSOLIDATION, ACKNOWLEDGEMENT OF LEAD
COUNSEL, PLEADING, AND ASSOCIATED MOTION PRACTICE**

WHEREAS Plaintiffs Deborah Donoghue (“Donoghue”) and Mark Rubenstein (“Rubenstein”) commenced the case captioned above in No. 20-cv-1807 (JGK) (SN) with the filing of a complaint in this Court on February 29, 2020 (the “Donoghue/Rubenstein Action”);

WHEREAS Donna Ann Gabriele Chechele (“Chechele” and, collectively with Donoghue and Rubenstein, “Plaintiffs”) commenced the case captioned above in No. 20-cv-2542 (JGK) (JLC) with the filing of a complaint on March 24, 2020 (the “Chechele Action” and, collectively with the Donoghue/Rubenstein Action, the “Related Actions”);

WHEREAS the Court accepted the Chechele Action as related to the Donoghue/Rubenstein Action on April 14, 2020;

WHEREAS the Plaintiffs have agreed that David Lopez, Esq., will be lead counsel for the Plaintiffs in any consolidated action; and

WHEREAS the parties to the Related Actions now wish to stipulate to (a) the consolidation of the Related Actions, (b) the acknowledgement of lead counsel for the Plaintiffs, and (c) deadlines for pleadings and any associated motion practice;

NOW, THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

1. The Donoghue/Rubenstein Action and Chechele Action shall be consolidated for all purposes (as so consolidated, the “Consolidated Action”), including pre-trial proceedings and trial.

2. Every pleading and other filing in the Consolidated Action must bear the following caption:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE MYOVANT SCIENCES LTD.
SECTION 16(b) LITIGATION

This Document Relates To:

ALL ACTIONS.

Lead Case No. 20-cv-1807 (JGK)

(Consolidated with No. 20-cv-2542 (JGK))

3. The pleadings and other filings of the Consolidated Action will be maintained in one master file under Lead Case No. 20-cv-1807.

4. Mr. Lopez will serve as lead counsel for the Plaintiffs. Mr. Lopez shall have authority to speak for the Plaintiffs in matters regarding pre-trial and trial procedure and settlement negotiations, and shall make all work assignments in such a manner as to facilitate the orderly and efficient prosecution of the Consolidated Action, and to avoid duplicative or unproductive efforts.

5. Plaintiffs shall serve and file a joint first amended complaint under Federal Rule of Civil Procedure 15(a)(1) within 10 days of the Court's endorsement of this stipulation.

6. Defendant Roivant Sciences Ltd. ("Roivant") shall have 45 days to serve and file its response to the first amended complaint from the date that Plaintiffs file their joint first amended complaint. If Roivant files a motion to dismiss, subject to paragraph 8 below, (a) Plaintiffs shall have 45 days from the filing of the motion to dismiss to serve and file a joint brief in opposition to the motion to dismiss, and (b) Roivant shall have 20 days from the filing of the brief in opposition to file a reply brief.

7. If Nominal Defendant Myovant Sciences Ltd. ("Myovant") moves to dismiss the joint first amended complaint, subject to paragraph 8 below, it shall have 45 days to serve and file its motion to dismiss, which shall be briefed according to the same schedule set forth for Roivant's motion to dismiss in paragraph 6 above. If Myovant does not move to dismiss, its answer will be due 15 days after either (a) Roivant answers the complaint, or (b) a decision is reached resolving Roivant's motion to dismiss, whichever is later.

8. If Plaintiffs decide to file a second amended complaint in response to any motion to dismiss, then the provisions of this paragraph 8 will apply. Roivant and Myovant shall

have 30 days to serve and file a motion to dismiss the second amended complaint from the date that Plaintiffs file it. If either Roivant or Myovant files a motion to dismiss, (a) Plaintiffs shall have 45 days from the filing of the motion to dismiss to serve and file a joint brief in opposition to the motion to dismiss, and (b) Roivant or Myovant shall have 20 days from the filing of the brief in opposition to file a reply brief. If Roivant does not move to dismiss the second amended complaint, its answer will be due 30 days after the second amended complaint is filed. If Myovant does not move to dismiss the second amended complaint, its answer will be due 15 days after either (a) Roivant answers the complaint, or (b) a decision is reached resolving Roivant's motion to dismiss, whichever is later.

9. Neither Roivant nor Myovant need answer, move, or otherwise respond to the complaints previously filed in the Donoghue/Rubenstein Action and Chechele Action.

[signature page follows]

IN WITNESS WHEREOF, each of the parties' undersigned counsel has set his or her hand below.

Dated: April 23, 2020
New York, New York

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IN WITNESS WHEREOF, each of the parties' undersigned counsel has set his or her hand below.

Dated: April 23, 2020
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SO ORDERED:

The Honorable John G. Koeltl
United States District Judge

DATED: _____, 2020